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10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 UNITED STATES OF AMERICA,

2:21-CR-00142-TOR

13 Plaintiff,

United States' Sentencing
Memorandum as to Defendants
O'Mealy and Carr

14 v.

15 HUNTER BOW O'MEALY and CALEB
16 RYAN CARR,

17 Defendant.

18 The United States of America, by and through U.S. Attorney Vanessa R.
19 Waldref and Assistant United States Attorneys Stephanie Van Marter and Richard
20 R. Barker, submits the following sentencing memorandum. For the reasons set forth
21 below, the United States respectfully requests that the Court sentence both Hunter
22 Bow O'Mealy and Caleb Ryan Carr to a period of incarceration of 240 months,
23 followed by a 10-year term of supervised release.

24 **INTRODUCTION**

25 In spring and summer 2021, Defendants Hunter Bow O'Mealy, Caleb Ryan
26 Carr and their drug trafficking organization – a.k.a., the “Fetty Bros” – used snapchat
27 and other social media to locate a source of supply originating in Mexico.
28 Defendants then traveled to Arizona and beyond to be obtain deadly Fentanyl pills

1 (and other drugs) in 10,000-pack quantities, and poured those drugs into this
2 community and others. As they did so, Defendants engaged in a violent lifestyle
3 without remorse or concern for the impact of their actions on their communities or
4 on those who used their deadly drugs. When a customer overdosed, Defendant Carr
5 indicated that no one cared and continued to sell the same deadly poison. When
6 Defendants suspected someone was cooperating with law enforcement, they tried to
7 kill him and nearly succeeded. When another co-defendant was arrested with their
8 drugs, Defendants O’Mealy and Carr threatened to kill her.

9 Throughout, Defendants engaged in additional offenses to build their
10 organization and conceal their crimes. Defendants Carr and O’Mealy, for example,
11 illegally transported immigrants across the border to fund their narcotics purchases
12 from a transnational cartel. Defendants even involved a minor in transporting and
13 shipping their Fentanyl-laced drugs and utilized other “Fetty Bros,” including
14 Defendant Matthew Gudino-Pena, to act as a security detail for their drug shipments.
15 While immersed in this violent conspiracy, the organization amassed numerous
16 firearms, including switches to convert their guns into fully automatic weapons.
17 They also obtained “ghost” guns and offered to sell certain of the firearms obtained
18 during the conspiracy. Then, to conceal their illegal conduct, Defendants Carr and
19 O’Mealy set up a luxury clothing business to launder their drug proceeds.

20 As it became clear that law enforcement may be tracking them, Defendants
21 fled to Arizona and attempted to obtain fake identifications to escape to Mexico.
22 While in Arizona, Defendants continued to amass firearms inside a housing complex
23 comprised mostly of college students and located next to the University of Arizona
24 campus. Even after being arrested, Defendants continued to conceal their crimes.
25 Defendant O’Mealy solicited a parent, who contacted other members of the
26 organization and directed them to “delete everything.”
27
28

1 In sum, Defendants engaged in a large-scale-drug-trafficking operation, while
2 endorsing a violent lifestyle, engaging in multiple acts of violence and intimidation.
3 As law enforcement homed in, Defendants attempted to obstruct and thwart police
4 from detecting their organization. To mitigate their sentences, Defendants now ask
5 this Court to focus on their age, lack of maturity, and claims that they were simply
6 exaggerating or bragging about their exploits. To the contrary, the overwhelming
7 evidence before the Court depicts very conscious and thought-out methodologies.
8 The evidence establishes deliberate, bold, and brazen actions, which are apparent in
9 how Defendants now view their culpability. A sentence of 20 years is necessary to
10 protect the community, punish Defendants for their crimes, ensure a just sentence
11 on behalf of the victims they harmed, and to avoid unwarranted sentencing
12 disparities. A sentence of anything less than that is not justice in this case.

13 STATEMENT OF FACTS

14 The evidence in this case establishes that Defendants relished being part of
15 the Fetty Bros drug trafficking organization, which allowed them to live a certain
16 lifestyle. They traveled throughout the United States to concerts, hotels, and parties.
17 While Defendants used their drug proceeds to fund this lifestyle, their actions – in
18 establishing a business model and distributing drugs throughout the Eastern District
19 and elsewhere – resulted in heartbreak in the communities to which their drugs were
20 distributed. Because U.S. Probation Officer Cassie Lerch’s Presentence
21 Investigation Reports (PSIRs) provide a clear and detailed account of Defendants’
22 organization, the facts detailed below primarily address how Defendants’ conspiracy
23 – like in so many drug cases – affected individual lives and impacted numerous
24 communities in the Western United States. *See* ECF Nos. 147 (Carr PSIR) and 150
25 (O’Mealy PSIR).¹

26
27 ¹ The Offense Conduct sections of the PSIRs for O’Mealy and Carr are the same. Unless
28 otherwise noted herein, the paragraph numbers cited in this sentencing memorandum apply to both

1 Overdose Death and Homicide in Northern Idaho

2 The DEA and USPIS's joint investigation into the Fetty Bros Drug
3 Organization stems from an overdose death and shooting in Northern Idaho. *See*
4 ECF No. 147 at ¶13; Ex. A at pp. 3-18. In May 2021, Idaho State Police responded
5 a call regarding 15-year-old high school freshman in Coeur D'Alene, who was
6 unconscious in his bed. *Id.* at ¶14. Notwithstanding extensive life-saving efforts, the
7 young man was pronounced dead as a result of a Fentanyl overdose. *Id.* During an
8 investigation into that overdose, and based upon review of the teenager's
9 communications, DEA identified Matthew Holmberg as the likely supplier of the
10 Fentanyl pills that caused the young man's death. *Id.*

11 Not long after the overdose, Holmberg and his associate, Dennen Fitterer-
12 Usher, were involved in the shooting death of another victim in Coeur D'Alene,
13 Idaho. *Id.* at ¶15. This victim was found in a pool of blood in the middle of a road
14 with multiple gunshot wounds. *Id.* Text messages confirmed that the victim had
15 arranged to purchase counterfeit oxycodone pills laced with Fentanyl from
16 Holmberg. *Id.* In fact, Fitterer-Usher and Holmberg had traveled to this drug
17 transaction together because the minor was a new customer. *Id.* Both men were
18 armed with a firearm. *Id.* In their text messages, Holmberg and Fitterer-Usher stated
19 they saw the life leave the victim's body and described their attempts to destroy
20 evidence after the shooting. *Id.* Ultimately, Fitterer-Usher admitted they shot the
21 victim inside their car during a drug deal gone bad. *Id.* at ¶16. According to
22 Holmberg and Fitterer-Usher, the victim pulled out a firearm during the drug
23 transaction and attempted to rob Holmberg and Fitterer-Usher. *Id.* At this point,

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25 _____
26 Defendants' respective PSIR. Additionally, to the extent helpful, the United States is providing the
27 Court with a PowerPoint (filed under seal) detailing the government's investigation in this case.
28 *See* Exhibit A (non-scannable PowerPoint). The United States anticipates that an edited and shorter
version of the full PowerPoint, which previously was provided to the Defense, may presented at
the sentencing hearing.

1 Fitterer-Usher fired, killing the victim. *Id.* When Holmberg and Fitterer-Usher drove
2 away, they left an actual trail of blood on the roadway, caused by the victim's body
3 hanging out of the car while Holmberg and Fitterer-Usher drove away from the
4 shooting scene.

5 During the investigation into Holmberg and Fitterer-Usher, DEA located the
6 snapchat moniker of PacMan2021, through which DEA and USPIS identified
7 Defendants' drug organization – the Fetty Bros – as the primary source of supply to
8 Holmberg and Fitterer-Usher. Among other things, a number of suspicious packages
9 were sent from the same Tacoma post office to Holmberg's home. This was the same
10 post office Defendants frequented to send other packages containing drugs to
11 Spokane, Alaska, and Arizona. In fact, at the same time one of these shipments was
12 sent Holmberg's address, another package containing counterfeit oxycodone pills
13 laced with Fentanyl was sent to Fairbanks, Alaska. A cooperating source also
14 confirmed that the Fetty Bros drug-trafficking organization had supplied Holmberg
15 and Fitterer-Usher with Fentanyl. This source further confirmed that the Fetty Bros
16 – to include Defendants O'Mealy, Carr and others – obtained large shipments of pills
17 from a transnational cartel.

18 **Defendants' Possession and Distribution of Illegal Drugs**
19 **in Washington State and Elsewhere**

20 During the investigation, law enforcement recovered large quantities of
21 various types of narcotics from members of the Fetty Bros Drug Trafficking
22 Organization – narcotics that were seized during vehicle stops, package seizures, the
23 execution of several search warrants, and a controlled buy. *See generally*, ECF No.
24 147. Photographs of additional illegal narcotics and large amounts of U.S. currency
25 were recovered from Defendants' social media and Defendant Carr's phone. *Id.*
26 Pictures of just a portion of the narcotics seized in this case or otherwise
27 photographed are included below:



40,000 pills, 5 firearms, and \$16,300 recovered during August 18, 2021 traffic stop



June 2021 seizure of narcotics from Tucson Arizona in route to known Fetty Bros contact in Tacoma, Washington



Snapchat video depicting additional Fentanyl-laced pills marketed through social media to customers who “Tapn”²

As set forth in the PSIR, the DEA recovered the following amounts of illegal narcotics involved in the conspiracy:

- 5,311.74 grams of Fentanyl included in Defendants’ Guidelines Calculations;
- 7,540 grams of Fentanyl that were administratively seized and not included for purposes of Defendants’ Guideline Range;
- 254.8 gross weight grams of cocaine;
- 592 gross weight grams of Benzodiazepine; and
- 16.94 gross kilogram weight of marijuana

ECF No. 147 at ¶88.

Of course, these drugs were recovered from just August through September 2021, after the DEA and USFIS identified Defendants Carr and O’Mealy as the leaders of the Fetty Bros Organization. Social media messages and materials from Carr’s iPhone demonstrate Defendants were distributing counterfeit oxycodone pills

² To “tapn” is a way of connecting with another Snap Chat user – i.e., to “hit me up” or to purchase an item that is being marketed through the platform

1 laced with Fentanyl earlier than that and in far greater quantities than those
2 ultimately recovered during the investigation. *See, e.g., id.* at ¶54.

3 **Defendants’ Use of Social Media to Smuggle Aliens and**
4 **Advertise the Sale of Illegal Narcotics and Firearms**

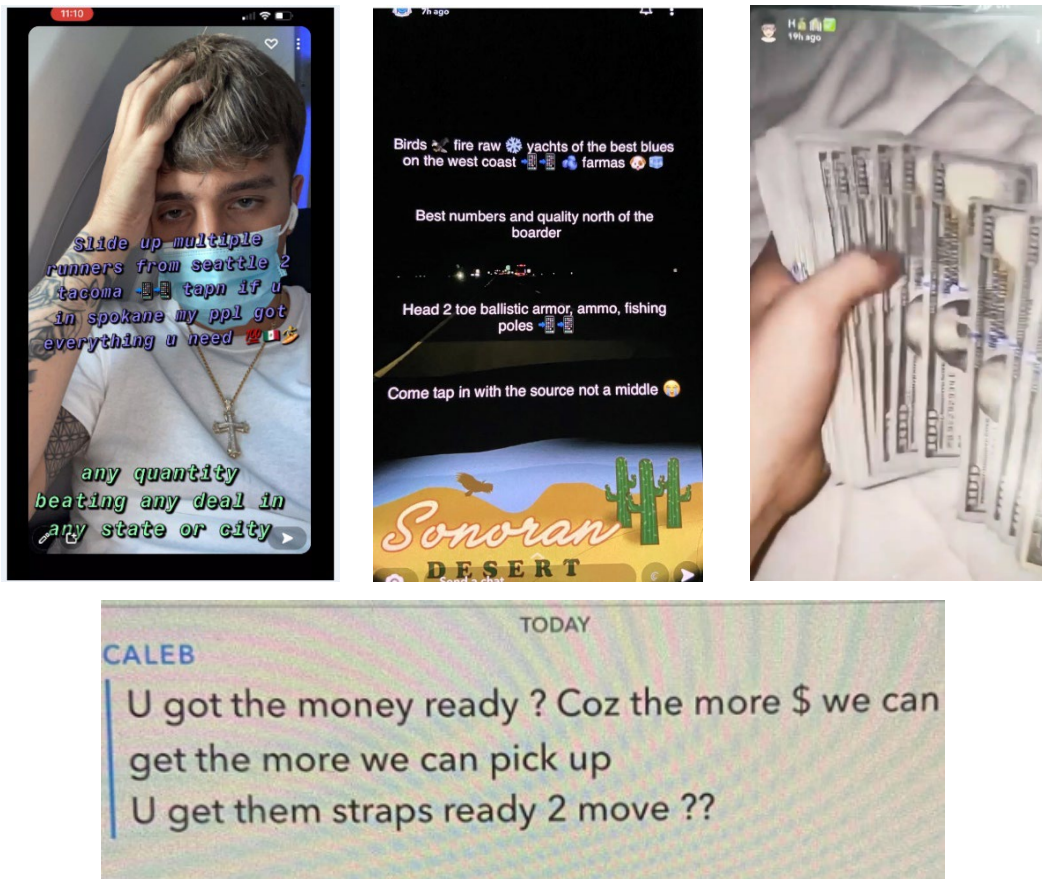
5 Defendants not only distributed illegal narcotics in Washington State, their
6 use of social media to advertise and distribute narcotics and firearms further
7 demonstrates how the Fentanyl crisis continues to impact communities throughout
8 the United States. The ease by which Defendants were able to connect to a
9 transnational drug cartel and Defendants’ ability to easily market narcotics through
10 social-media platforms demonstrates the challenges communities face in their efforts
11 to curb drug abuse and addition. Social media also provides a mass market for drug
12 dealers, such as the Defendants, to easily distribute these deadly pills to our most
13 vulnerable populations – namely our youth.

14 Notably, Defendants funded certain of the drug-trafficking operations by
15 smuggling illegal immigrants into the United States. As noted in the PSIR,
16 Defendant Carr used social media to solicit drivers to illegally transport migrants.
17 *Id.* at ¶104. For example, in May 2021, Carr posted, “Need drivers to Tucson!!! Easy
18 money fly in to az my people will get you a hotel and leave with 10k can’t make
19 money quick easier then this!” *Id.* at ¶ 52. In another, Carr solicited, “Find someone
20 that wants to change the lives of some pollos and I’ll break you off.” *Id.* Yet another
21 message specified “come make 10-40k changing the lives of [alien emoticon].” *Id.*

22 Defendants did not use social media just to solicit drivers to smuggle illegal
23 aliens. Rather, Defendants O’Mealy and Carr posted a number of advertisements
24 marketing their products, boasting about the quality of the drugs, their low prices,
25 and the guns³ they were selling. *Id.* at ¶51. Alongside their advertisements,

26
27 ³ In their social media depicted here, Defendants O’Mealy and Carr refer to firearms as
28 “straps” and “fishing poles.”

Defendants also sent messages via social media and snapchat glorifying their lifestyle of selling illegal narcotics – depicting large volumes of narcotics and illegal drug proceeds. *Id.* at ¶¶ 52—56; Ex. A at 32.



Overdose Death in Graham, Washington

While Defendants bragged about the quality of their illegal drugs – e.g., describing those drugs as the “best blues,” Defendants understood the true danger posed by the products they were selling. In fact, in text messages dated June 16, 2021, Defendant Carr specifically acknowledged that people were dying from the Fetty Bros’ drugs; yet, he demonstrated no remorse. Instead, as set forth in the communications below, Defendant Carr offered to continue selling the very same drugs that caused at least one overdose death:

SKEDD: Why the prices stuck around the 3 area rn? I though AZ and Cali is flooded wit blues rn

1 CARR: I can get other ones for cheeper they jus not as safe

2 CARR: I can get some for u for 2 flat but i already got 1 death in graham

3 SKEDD: Nobody tried to bring that back to u right ?

4 CARR: nah

5 CARR: it was a smokr

6 CARR: itz only when its like someone with a family they care

7 SKEDD: Nah u dead ass right

8 ECF No. 147 at ¶54; ECF No. 144 at Ex. 2 (full chat).

9 **Illegal Possession of Firearms**

10 Defendants not only imported and distributed large volumes of drugs in the
11 Northwest United States, they also amassed a large arsenal of firearms during the
12 conspiracy. ECF No. 147 at ¶¶ 84, 86, 93, 96, 99, 101, 115-116. Defendants'
13 firearms were seized during traffic stops, as well as during the execution of search
14 warrants in Washington State and Arizona. *Id.* By way of example, the firearms and
15 ammunition recovered during the execution of a search warrant of Defendant
16 O'Mealy and Carr's property in Eatonville, Washington are pictured below:

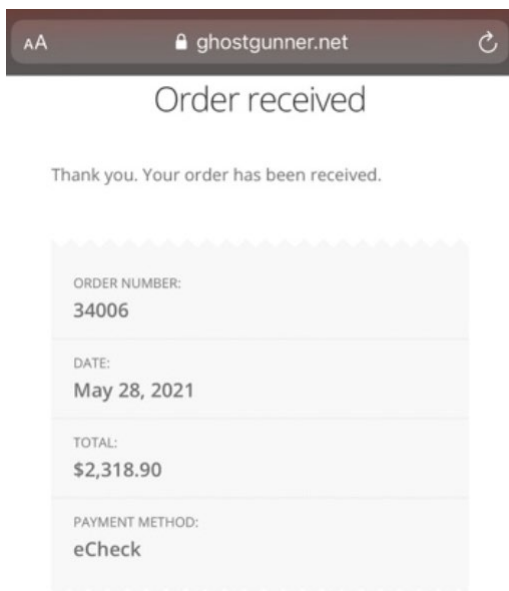


24 Several additional firearms were recovered during the execution of a search
25 warrant of a high-end apartment complex located near the University of Arizona
26 campus in Tucson, Arizona, where Defendants were staying immediately prior to
27 their arrest. These firearms, which included a so-called a "ghost" gun, were located
28

1 in a housing complex where a number of University of Arizona students resided. In
2 fact, messages on Defendant Carr's "WhatsApp" demonstrated that Defendants were
3 seeking to manufacture their own "ghost" guns to include assault-style-type rifles by
4 obtaining a milling machine. There is even a receipt in Defendant Carr's phone for
5 a \$2,318 to GhostGunner.net, which markets products for manufacturing firearms
6 "with confidence and ease in the privacy of your own home."⁴

7 i also will have a consistent supply of ghost ars soon in october i have a milling machine
8 coming in the mail snd we have a russian plug for full auto switches for ars and glocks we
9 csn install

Participant	Delivered	Read	Played
5216643615554@s.whatsapp.net b	7/12/2021 12:34:56 AM(UTC-7)	7/12/2021 12:34:56 AM(UTC-7)	



22 *Receipt from Defendant Carr's Phone*



22 *"Ghost guns" recovered in Arizona*

23 In addition to the firearms possessed in Arizona, Defendants routinely video
24 recorded themselves firing fully automatic weapons and posted those videos on
25 social media. Certain of these firearms were equipped with auto switches similar to

27 ⁴ <https://ghostgunner.net/product/ghost-gunner-3-deposit/> (last accessed October 19,
28 2022).

the ones that Defendant Carr described getting from his “Russian plug” in his “WhatsApp” messages:

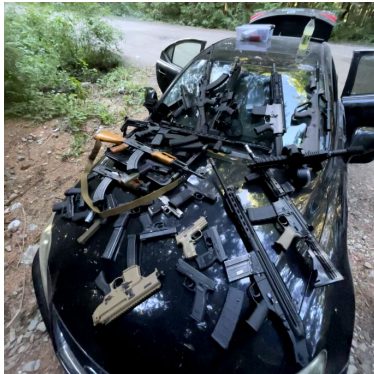


Image from Defendant Carr’s snapchat depicting numerous firearms, including with automatic switches



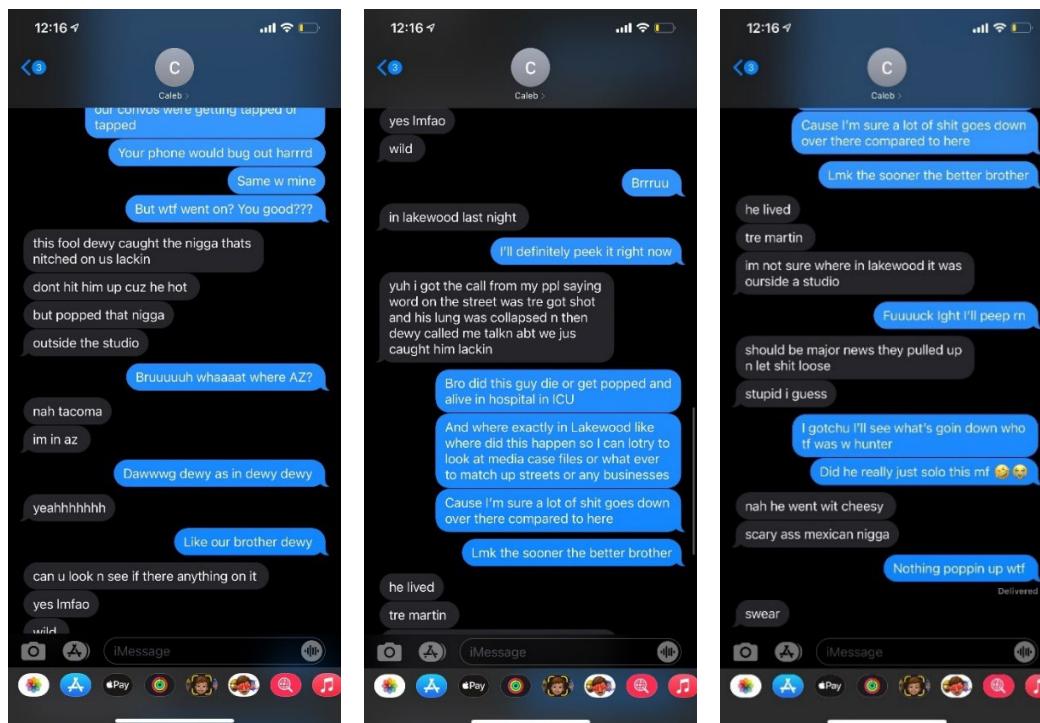
Video of Gudino-Pena captioned “Fetty mafia shit”



Image of Gudino-Pena and O’Mealy firing semi-automatic weapons

Attempted Murder of T.M. in Lakewood Washington

Defendants’ possession of illegal firearms in connection with the conspiracy culminated in the attempted murder of T.M. on September 25, 2021. ECF No. 147 at ¶¶ 66 – 77. During that shooting, Defendants expelled more than more than 40 rounds of ammunition at T.M., striking him in the spine and paralyzing T.M. *Id.*; Ex. A at pp. 47-48 (video of shooting). Evidence establishing Defendants’ involvement in that attempted murder demonstrates they targeted T.M. because they falsely believed he was cooperating with law enforcement. ECF No. 147 at ¶ 66-77. Defendant Carr’s text messages are particularly callous – expressing that he was “laughing [his] fucking ass off” about the shooting – which indicates a lack of remorse for Defendants’ role in nearly taking T.M.’s life. *Id.* at ¶66. As noted in the parties’ pleadings, T.M. suffered a collapsed lung and is paralyzed from the waist down and almost certainly will never walk again. *See id.* at ¶67. Given the numerous rounds of firearms unleashed on T.M., he is fortunate to be alive.



Efforts to Obstruct Justice and Flee Law Enforcement

After attempting, but failing, to take T.M.'s life, Defendants became increasingly desperate. Defendants O'Mealy and Gudino-Pena left Washington State and traveled to Arizona. *See* ECF No. 147 at ¶95. There, Defendant Carr directed another member of their organization to create fake identities and delete evidence from their phones. *Id.* at ¶¶95, 100, 115. Just days after attempting to kill T.M., Defendants threatened to kill their co-defendant Jamie Bellovich if she were cooperating with law enforcement. *Id.* at ¶130. Specifically, as set forth in the Plea Agreements and PSIRs, Defendant Carr expressed suspicion that Bellovich was able to get out of jail so quickly after her September 27, 2021 arrest. Carr then stated he would kill Bellovich if she was cooperating. ECF No. 111 at 14-15. Defendant O'Mealy independently stated the same thing – that he would “pop” or kill Bellovich if she were *cooperating*. *Id.* Given the violence Defendants perpetrated a few days earlier against T.M., who they also believed was cooperating, the threat on Bellovich was not an empty one.

1 Defendants' efforts to thwart law enforcement did not end with their arrest.
2 Rather, Defendant O'Mealy, through his own mother, reached out to a former
3 member of the Fetty Bros conspiracy and a witness in this case to destroy evidence.
4 ECF No. 147 at ¶ 103. While unsuccessful, Defendants' efforts to threaten witnesses,
5 flee law enforcement, and destroy evidence, demonstrate the brazenness and
6 boldness of Defendant's conspiracy as well as their concerted acts to cover up their
7 criminal activities.

8 **Nature of the Parties' Plea Agreement**

9 While Defendants' conspiracy extended far beyond the Eastern District of
10 Washington – e.g., the shooting of T.M. in Lakewood, Washington and firearms
11 possessed in Arizona – it is significant that Defendants negotiated a global resolution
12 resolving potential charges in Arizona, Western Washington, and Pierce County,
13 Washington. As part of that agreement, Defendants do not face further federal or
14 state exposure for the offenses/conduct set forth in the parties' plea agreements.
15 Accordingly, the sentences imposed in this case need not take into consideration the
16 potential for any additional or separate prison time for elements of the conspiracy
17 that occurred in other jurisdictions. This Court will therefore be able to determine
18 the appropriate sentence that encompasses the totality of Defendants' conspiracy.

19 **VICTIM IMPACT**

20 The United States has solicited a victim impact statement from T.M., who
21 was shot outside a recording studio in Lakewood, Washington in September 2021
22 referenced above. Assigned counsel contacted T.M.'s attorney to request a meeting
23 to obtain material relevant to restitution and a victim impact statement. T.M.
24 conveyed the gravity of how his life has been changed forever as a result of his
25 paralysis. The damage to T.M., however, is not just physical. Rather, the shooting
26 and paralysis has had a significant impact on T.M.'s mental health. He advised that
27 he is still struggling with the simple practicalities of living with his disability. T.M.
28

1 stated he is trying to go on with his life and did not want to discuss Defendants.
2 While T.M. likely will never walk again, he is grateful for his life. He indicated that
3 Defendants should be punished for shooting him and reiterated that Defendants
4 falsely and mistakenly accused him of cooperating with law enforcement. T.M.
5 made clear he was never a cooperator, which is consistent with the evidence. The
6 United States has found no evidence to support Defendants' paranoid fear that
7 resulted in retaliation against T.M.

8 SENTENCING CALCULATIONS

9 The government agrees with U.S. Probation that Defendant O'Mealy and
10 Carr's total offense level is 43,⁵ criminal history category is I, and the guideline range
11 is life. The United States had addressed the various sentencing enhancements applied
12 by U.S. Probation in response to these Defendants' objections to the PSIR. *See* ECF
13 No. 144. As set forth therein, U.S. Probation Officer Cassie Lerch's report is
14 thorough and provides an accurate calculation of Defendants' Guideline Range. *See*
15 *id.*

16 SENTENCING FACTORS UNDER 18 U.S.C. § 3553(a)

17 In determining the appropriate sentence, this Court should consider the factors
18 as set forth in 18 U.S.C. § 3553(a). Based on these factors, the United States
19 respectfully asks the Court to sentence both Defendants O'Mealy and Carr to a term
20 of 240 months, followed by a 10-year term of supervised release.

21 1. The nature and circumstances of the offense

22 While it's difficult to compare the unique facts and circumstances of one case
23 to another, both of these young men engaged in a gravity of conduct that is hard to
24 reconcile. Although the consequences of large-scale drug distribution are apparent
25 in many cases, this case in particular presents egregious violence, alien smuggling,
26

27 ⁵ Defendants' actual Total Offense Level is 50, but under the Guidelines, the offense
28 level is treated as a level 43. *See* ECF Nos. 147 at ¶147; 148 at ¶ 147.

1 use of the mail to distribute drugs, firearms trafficking, threats, and obstruction of
2 justice. *See generally* Ex. A. The charged conspiracy involves distribution of 400
3 grams or more of Fentanyl; however, the relevant conduct extends far beyond – all
4 off which started though social media. As noted in the summary of the relevant facts,
5 in the PSIRs, and in our response to Defendants’ Objections, the nature and
6 circumstances of this offense are as serious as this Court faces.

7 2. History and Characteristics of Defendants

8 The severity of Defendant O’Mealy and Carr’s actions is extremely
9 concerning. These are actions that age alone do not outweigh. The United States is
10 cognizant that Defendant O’Mealy is 19-years’ old, and Defendant Carr is 23-years’
11 old. They have no appreciable criminal history, other than acts that are a part of their
12 overall criminal conduct here. When the Court, however, assesses the extremely
13 aggravating nature of this conspiracy – actions that resulted in the highest adjusted
14 offense level assigned counsel has ever seen computed – a level 50, these arguments
15 of mitigation lose impact.

16 Youthful indiscretion is one thing, but this behavior stretches far beyond –
17 especially given that lives were lost and forever impacted by Defendants’ callous,
18 boastful, and repeated violent conduct. Such violence, coupled with an apparent lack
19 of remorse, strongly supports the United States’ recommended sentence. Age and
20 lack of criminal history simply do not outweigh the aggravating factors identified
21 herein and articulated in the PSIRs.

22 To the extent Defendants claim their drug addictions in part played a role in
23 the offenses, the overwhelming evidence suggests their intentional and thoughtful
24 leadership in this conspiracy outweigh this argument. Of course, while this Court
25 should consider Defendants’ drug use and addictions when considering potential
26 rehabilitative efforts, Defendants’ drug abuse cannot be used to explain away the
27 extensive harm they caused to their victims and communities.
28

1 Simply put, Defendants' age, lack of maturity, lack of history, and apparent
2 drug use has already been considered by the parties and incorporated into the
3 sentencing recommendations here. Given the harm inflicted by Defendants in this
4 case, a sentence of anything less than 20 years is not appropriate.

- 5 3. The need for the sentence imposed to reflect the seriousness of the offense,
6 promote respect for the law, provide just punishment, and protect the
7 public.

8 The Fetty Bros conspiracy wreaked havoc upon various communities, and
9 Defendants, at least up to this point, do not appear to appreciate the seriousness of
10 the harm that they caused.

11 Defendants' role in selling Fentanyl-laced pills had a significant impact on
12 this community apart from the impact on the direct victims in this case. Fentanyl is
13 the new face of the opioid epidemic and the leading cause of overdose deaths across
14 the country. According to the DEA, in 2021 there was enough lethal Fentanyl seized
15 to kill every single American in the United States.⁶ Based upon DEA lab
16 confirmation, 2 in every 5 Fentanyl-laced pills may contain a lethal dose. Locally,
17 Department of Health records from Spokane County, show over an 186% increase
18 in Fentanyl-related overdoses between 2020 and 2021 and a 1233% increase in
19 Fentanyl-related overdoses in the four-year period between 2017 and 2021.⁷ In
20 determining its sentence in this extremely serious case, this Court can communicate
21 the significance of Fentanyl distribution and convey a message that hopefully
22

23 ⁶ See <https://www.dea.gov/resources/facts-about-fentanyl>;
24 [https://www.justice.gov/opa/pr/departments-justice-announces-results-enforcement-surge-reduce-](https://www.justice.gov/opa/pr/departments-justice-announces-results-enforcement-surge-reduce-fentanyl-supply-across-united-states)
25 [fentanyl-supply-across-united-states](https://www.dea.gov/press-releases/2021/12/16/dea-reveals-criminal-drug-networks-are-flooding-us-deadly-fentanyl); [https://www.dea.gov/press-releases/2021/12/16/dea-reveals-](https://www.dea.gov/press-releases/2021/12/16/dea-reveals-criminal-drug-networks-are-flooding-us-deadly-fentanyl)
26 [criminal-drug-networks-are-flooding-us-deadly-fentanyl](https://www.dea.gov/press-releases/2021/12/16/dea-reveals-criminal-drug-networks-are-flooding-us-deadly-fentanyl).

27 ⁷ See https://doh.wa.gov/sites/default/files/2022-02/wa_lhj_quarterly_report_18_1_2_public.html#1_Overdose_Mortality.

1 resonates with users and distributors alike to help prevent the continuous flow of this
2 deadly drug into our communities and raise awareness of its impact.

3 The Fentanyl crisis has devastated communities in the Northwest United
4 States, leaving families grieving for their loved ones. Yet, Defendants callously
5 noted that these deaths do not matter to them – e.g., when Defendants say, “No, it
6 was a smokr. Itz only like family when they care.” ECF No. 147 at ¶54. After T.M.’s
7 shooting, Defendant Carr remarked, LMFAO – meaning, “laughing my fucking ass
8 off.” *Id.* at ¶66. This horrifying response to the realities of drug and firearms
9 distribution further demonstrates the need for a sentence that promotes respect for
10 the law and provides justice to Defendants’ victims – both known and unknown. A
11 twenty-year sentence for both O’Mealy and Carr is appropriate. Such a sentence is
12 also necessary to keep the community safe from Defendants’ further crimes.

13 4. The need to avoid unwarranted sentence disparity among defendants with
14 similar records who have been found guilty of similar conduct

15 The best way to ensure consistent sentences for similarly-situated defendants
16 across courtrooms, districts, and the country is for courts to apply the sentencing
17 Guidelines in the same manner everywhere. *See United States v. Saeteurn*, 504 F.3d
18 1175, 1181 (9th Cir. 2007); *United States v. Parker*, 462 F.3d 273, 277 (3d Cir.
19 2006); *United States v. Boscarino*, 437 F.3d 634, 638 (7th Cir. 2006). The Guidelines
20 are the only normative way to accomplish that. In this case, a Guidelines sentence
21 of 240 months properly accounts for “the need to avoid unwarranted sentence
22 disparities among defendants with similar records who have been found guilty of
23 similar conduct.” 18 U.S.C. § 3553(a)(6). Numerous courts have recognized that
24 sentencing within the Guidelines range serves as a bulwark against unwarranted
25 sentencing disparity. *See United States v. Guerrero-Velasquez*, 434 F.3d 1193, 1195
26 n.1 (9th Cir. 2006) (recognizing that guidelines “help to maintain uniformity in
27 sentencing throughout the country”); *United States v. Hunt*, 459 F.3d 1180, 1184
28

1 (11th Cir. 2006) (“The Guidelines . . . are an indispensable tool in helping courts
2 achieve Congress’s mandate to consider ‘the need to avoid unwarranted sentence
3 disparities’ among similarly situated defendants”) (quoting 18 U.S.C. § 3553(a)(6));
4 *United States v. Smith*, 445 F.3d 1, 7 (1st Cir. 2006) (noting that “the guideline range
5 . . . is the principal means of complying with” the goal of avoiding unwarranted
6 sentencing disparity).

7 The Ninth Circuit has specifically observed that a sentence consistent with the
8 guideline range is unlikely to be disparate because such a sentence “represents the
9 sentence that most similarly situated defendants are likely to receive.” *United States*
10 *v. Becerril-Lopez*, 541 F.3d 881, 895 (9th Cir. 2008). Thus, mindful that the
11 Guidelines must be “the starting point and the initial benchmark,” *United States v.*
12 *Carty*, 520 F.3d 984, 991–92 (9th Cir. 2008), the United States submits that a
13 sentence of 240 months, which is below the guidelines, will avoid unwarranted a
14 significant sentencing disparity and is appropriate in this case.

15 Defendants are relatively young, and their criminal history is limited. While
16 twenty years is below the guidelines, this recommendation considers their relative
17 youth. That said, a sentence of anything less, especially on these facts, would be
18 disproportionately low considering the harm Defendants O’Mealy and Carr have
19 inflicted on T.M., the unnamed overdose victim in Graham, and the countless others
20 whose lives may have been impacted due to the “Fetty Brothers” conspiracy.
21 Additionally, given Defendants Carr and O’Mealy’s leadership role in the
22 organization and their efforts to obstruct justice, the 20 year recommendation, which
23 is three years more than the recommended sentence for their Co-defendant Matthew
24 Gudino-Pena and significantly below their guideline recommendation of life.
25 Defendants O’Mealy and Carr each played a similar role, are most similarly situated,
26 and are, therefore, receiving the same sentencing recommendation of twenty years.

27 **GOVERNMENT’S SENTENCING RECOMMENDATION**
28

1 The government recommends the Court impose a sentence of 240 months of
2 imprisonment and a ten-year term of supervised release. Although this is lengthy
3 sentence, it is below the guidelines range, as determined by U.S. Probation. For the
4 reasons set forth above, a sentence of 240 months imprisonment coupled with ten-
5 years' supervised release is appropriate and takes into consideration of all the
6 relevant factors under 3553(a).

7 Respectfully submitted this 19th day of October 2022.

8
9 Vanessa R. Waldref
United States Attorney

10
11 s/ Richard R. Barker
Richard R. Barker
12 Assistant United States Attorney

13
14 s/ Stephanie Van Marter
Stephanie Van Marter
15 Assistant United States Attorney

16 **CERTIFICATION**

17 I hereby certify that on October 19, 2021, I electronically filed the foregoing
18 with the Clerk of the Court and counsel of record using the CM/ECF System.

19
20 s/Richard R. Barker
Richard R. Barker
21 Assistant United States Attorney